

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

NATIONAL FISH & SEAFOOD, INC.,

Plaintiff,

v.

KATHLEEN A. SCANLON, *et al.*,

Defendants.

C.A. No. 1:18-cv-11515-LTS

**DEFENDANT RED CHAMBER CO.'S
ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S
SECOND AMENDED VERIFIED COMPLAINT**

Defendant Red Chamber Co. ("Red Chamber") by and through its undersigned counsel answers National Fish & Seafood, Inc.'s ("NFS") Second Amended Verified Complaint ("SAVC"). To the extent not specifically admitted herein, the allegations of the SAVC are denied.

Red Chamber answers as follows:

ANSWER

1. Red Chamber admits, upon information and belief, that NFS is a corporation with its principal place of business located in Massachusetts. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 1, and on that basis denies them.

2. Red Chamber admits, upon information and belief, that Tampa Bay Fisheries, Inc. ("Tampa Bay") is a Florida corporation with its principal place of business located at 3060 Gallagher Road, Dover, Florida 33527. Red Chamber further admits that Tampa Bay does business as Kitchens Seafood, located at 380 Main Street, Suite 303, Stoneham, Massachusetts 02180. Red Chamber denies the remaining allegations in Paragraph 2.

3. Red Chamber admits that it is a California corporation with its principal place of business located at 1912 East Vernon Avenue, #100, Vernon, California 90058. Red Chamber denies the remaining allegations in Paragraph 3.

4. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4, and on that basis denies them.

5. Red Chamber admits, upon information and belief, the allegations in Paragraph 5.

6. Red Chamber admits, upon information and belief, that Tampa Bay does business as Kitchens Seafood, that Mark Pandolfo is the Vice President of Sales for Kitchens Seafood, and that Mr. Pandolfo is the registered agent of Tampa Bay in Massachusetts. Red Chamber further admits, upon information and belief, that Mr. Pandolfo was formerly employed by NFS and that he is a resident of Massachusetts. Red Chamber denies the remaining allegations in Paragraph 6.

7. Red Chamber admits, upon information and belief, the allegations in Paragraph 7.

8. Red Chamber admits, upon information and belief, that Mark Pandolfo is the son of Richard Pandolfo, and that Richard Pandolfo formerly served as the president of NFS. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 8.

9. Paragraph 9 consists of legal conclusions to which no response is required. To the extent a response is required, Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9, and on that basis denies them.

10. Paragraph 10 consists of legal conclusions to which no response is required. To the extent a response is required, Red Chamber admits, upon information and belief, that Tampa Bay is incorporated in Florida, that Tampa Bay maintains its principal place of business in Florida,

and that Tampa Bay conducts business with parties located in Massachusetts. Red Chamber denies the remaining allegations in Paragraph 10.

11. Paragraph 11 consists of legal conclusions to which no response is required. To the extent a response is required, Red Chamber admits that it is incorporated in California and maintains its principal place of business in California but otherwise denies the allegations in Paragraph 11.

12. Paragraph 12 consists of legal conclusions to which no response is required. To the extent a response is required, Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 12, and on that basis denies them.

13. Paragraph 13 consists of legal conclusions to which no response is required. To the extent a response is required, Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 13, and on that basis denies them.

14. Paragraph 14 consists of legal conclusions to which no response is required. To the extent a response is required, Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 14, and on that basis denies them.

15. Paragraph 15 consists of legal conclusions to which no response is required. To the extent a response is required, Red Chamber denies engaging in any wrongful conduct but otherwise lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 15, and on that basis denies them.

16. Paragraph 16 consists of legal conclusions to which no response is required. To the extent a response is required, Red Chamber denies the allegations in paragraph 16.

17. Red Chamber admits, upon information and belief, that NFS is a seafood supplier, and that NFS produces products under the names NationalTM, Matlaw's®, and Schooner®. Red

Chamber lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 17, and on that basis denies them.

18. Red Chamber admits, upon information and belief, that NFS sells Matlaw's Stuffed Clams. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 18, and on that basis denies them.

19. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 19, and on that basis denies them.

20. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 20, and on that basis denies them.

21. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 21, and on that basis denies them.

22. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 22, and on that basis denies them.

23. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 23, and on that basis denies them.

24. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 24, and on that basis denies them.

25. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 25, and on that basis denies them.

26. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 26, and on that basis denies them.

27. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 27, and on that basis denies them.

28. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 28, and on that basis denies them.

29. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 29, and on that basis denies them.

30. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 30, and on that basis denies them.

31. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 31, and on that basis denies them.

32. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 32, and on that basis denies them.

33. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 33, and on that basis denies them.

34. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 34, and on that basis denies them.

35. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 35, and on that basis denies them.

36. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 36, and on that basis denies them.

37. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 37, and on that basis denies them.

38. Paragraph 38 contains an image that speaks for itself and to which no response is required. To the extent a response is required, Red Chamber lacks knowledge or information

sufficient to form a belief as to the truth of the allegations in Paragraph 38, and on that basis denies them.

39. Paragraph 39 contains an image that speaks for itself and to which no response is required. To the extent a response is required, Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 39, and on that basis denies them.

40. Paragraph 40 contains an image that speaks for itself and to which no response is required. To the extent a response is required, Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 40, and on that basis denies them.

41. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 41, and on that basis denies them.

42. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 42, and on that basis denies them.

43. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 43, and on that basis denies them.

44. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 44, and on that basis denies them.

45. Red Chamber admits that a document entitled “Policy Handbook for Employees,” which speaks for itself and to which no response is required, is attached as an Exhibit to the SAVC. To the extent a response is required, Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 45.

46. Paragraph 46 is an excerpt of an Exhibit to the SAVC which speaks for itself and to which no response is required. To the extent a response is required, Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 46, and on that basis denies them.

47. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 47, and on that basis denies them.

48. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 48, and on that basis denies them.

49. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 49, and on that basis denies them.

50. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 50, and on that basis denies them.

51. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 51, and on that basis denies them.

52. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52, and on that basis denies them.

53. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 53, and on that basis denies them.

54. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 54, and on that basis denies them.

55. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 55, and on that basis denies them.

56. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 56, and on that basis denies them.

57. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 57, and on that basis denies them.

58. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 58, and on that basis denies them.

59. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 59, and on that basis denies them.

60. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 60, and on that basis denies them.

61. Red Chamber admits that NFS filed the instant action but otherwise lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 61, and on that basis denies them.

62. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 62, and on that basis denies them.

63. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 63, and on that basis denies them.

64. Red Chamber denies engaging in any wrongful conduct but otherwise lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 64, and on that basis denies them.

65. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 65, and on that basis denies them.

66. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 66, and on that basis denies them.

67. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 67, and on that basis denies them.

68. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 68, and on that basis denies them.

69. Red Chamber denies engaging in any wrongful conduct but otherwise lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 69, and on that basis denies them.

70. Paragraph 70 represents chat messages that speak for themselves and to which no response is required. To the extent a response is required, Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 70, and on that basis denies them.

71. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 71, and on that basis denies them.

72. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 72, and on that basis denies them.

73. Paragraph 73 represents chat messages that speak for themselves and to which no response is required. To the extent a response is required, Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 73, and on that basis denies them.

74. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 74, and on that basis denies them.

75. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 75, and on that basis denies them.

76. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 76, and on that basis denies them.

77. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 77, and on that basis denies them.

78. Red Chamber denies engaging in any wrongful conduct but otherwise lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 78, and on that basis denies them.

79. Red Chamber denies engaging in any wrongful conduct but otherwise lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 79, and on that basis denies them.

80. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 80, and on that basis denies them.

81. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 81, and on that basis denies them.

82. Paragraph 82 represents chat messages that speak for themselves and to which no response is required. To the extent a response is required, Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 82, and on that basis denies them.

83. Paragraph 83 represents chat messages that speak for themselves and to which no response is required. To the extent a response is required, Red Chamber lacks knowledge or

information sufficient to form a belief as to the truth of the allegations in Paragraph 83, and on that basis denies them.

84. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 84, and on that basis denies them.

85. Red Chamber denies engaging in any wrongful conduct but otherwise lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 85, and on that basis denies them.

86. Paragraph 86 represents chat messages that speak for themselves and to which no response is required. To the extent a response is required, Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 86, and on that basis denies them.

87. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 87, and on that basis denies them.

88. Red Chamber denies engaging in any wrongful conduct but otherwise lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 88, and on that basis denies them.

89. Red Chamber denies engaging in any wrongful conduct but otherwise lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 89, and on that basis denies them.

90. Paragraph 90 is an excerpt from an Exhibit to the SAVC that speaks for itself and to which no response is required. To the extent a response is required, Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 90, and on that basis denies them.

91. Red Chamber admits, upon information and belief, that Mr. Marsh currently serves as the IT Director of Tampa Bay but otherwise lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 91, and on that basis denies them.

92. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 92, and on that basis denies them.

93. Red Chamber admits that certain photos, which speak for themselves and to which no response is required, are attached as an Exhibit to the SAVC. To the extent a response is required, Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 93, and on that basis denies them.

94. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 94, and on that basis denies them.

95. Paragraph 95 represents chat messages that speak for themselves and to which no response is required. To the extent a response is required, Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 95, and on that basis denies them.

96. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 96, and on that basis denies them.

97. Red Chamber denies engaging in any wrongful conduct but otherwise lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 97, and on that basis denies them.

98. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 98, and on that basis denies them.

99. Paragraph 99 represents chat messages that speak for themselves and to which no response is required. To the extent a response is required, Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 99, and on that basis denies them.

100. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 100, and on that basis denies them.

101. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 101, and on that basis denies them.

102. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 102, and on that basis denies them.

103. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 103, and on that basis denies them.

104. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 104, and on that basis denies them.

105. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 105, and on that basis denies them.

106. Red Chamber admits that certain emails, which speak for themselves and to which no response is required, are attached as an Exhibit to the SAVC. To the extent a response is required, Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 106, and on that basis denies them.

107. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 107, and on that basis denies them.

108. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 108, and on that basis denies them.

109. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 109, and on that basis denies them.

110. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 110, and on that basis denies them.

111. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 111, and on that basis denies them.

112. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 112, and on that basis denies them.

113. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 113, and on that basis denies them.

114. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 114, and on that basis denies them.

115. Paragraph 115 represents chat messages that speak for themselves and to which no response is required. To the extent a response is required, Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 115, and on that basis denies them.

116. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 116, and on that basis denies them.

117. Paragraph 117 represents chat messages that speak for themselves and to which no response is required. To the extent a response is required, Red Chamber lacks knowledge or

information sufficient to form a belief as to the truth of the allegations in Paragraph 117, and on that basis denies them.

118. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 118, and on that basis denies them.

119. Paragraph 119 represents chat messages that speak for themselves and to which no response is required. To the extent a response is required, Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 119, and on that basis denies them.

120. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 120, and on that basis denies them.

121. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 121, and on that basis denies them.

122. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 122, and on that basis denies them.

123. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 123, and on that basis denies them.

124. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 124, and on that basis denies them.

125. Paragraph 125 represents chat messages that speak for themselves and to which no response is required. To the extent a response is required, Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 125, and on that basis denies them.

126. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 126, and on that basis denies them.

127. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 127, and on that basis denies them.

128. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 128, and on that basis denies them.

129. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 129, and on that basis denies them.

130. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 130, and on that basis denies them.

131. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 131, and on that basis denies them.

132. Red Chamber denies the allegations in Paragraph 132.

133. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 133, and on that basis denies them.

134. Red Chamber denies the allegations in Paragraph 134.

135. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 135, and on that basis denies them.

136. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 136, and on that basis denies them.

137. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 137, and on that basis denies them.

138. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 138, and on that basis denies them.

139. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 139, and on that basis denies them.

140. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 140, and on that basis denies them.

141. Red Chamber admits that a letter, which speaks for itself and to which no response is required, is attached as an Exhibit to the SAVC. To the extent a response is required, Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 141, and on that basis denies them.

142. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 142, and on that basis denies them.

143. Red Chamber denies engaging in any wrongful conduct but otherwise lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 143, and on that basis denies them.

144. Paragraph 144 consists of legal conclusions to which no response is required. To the extent a response is required, the document speaks for itself.

145. Red Chamber admits that NFS provided potential access to certain information to Red Chamber in 2017 but otherwise denies the allegations in Paragraph 145.

146. Red Chamber admits that it has not improperly disclosed any confidential information belonging to NFS but otherwise denies the allegations in Paragraph 146.

147. Paragraph 147 contains an excerpt of an Exhibit to the SAVC that speaks for itself and to which no response is required. To the extent a response is required, Red Chamber denies the allegations in Paragraph 147.

148. Paragraph 148 contains an excerpt of an Exhibit to the SAVC that speaks for itself and to which no response is required. To the extent a response is required, Red Chamber denies the allegations in Paragraph 148.

149. Red Chamber admits that Red Chamber and Tampa Bay are under common ownership but otherwise denies the allegations in Paragraph 149.

150. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 150, and on that basis denies them.

151. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 151, and on that basis denies them.

152. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 152, and on that basis denies them.

153. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 153, and on that basis denies them.

FIRST CAUSE OF ACTION
(Misappropriation of Trade Secrets under Defend Trade Secrets Act of 2016,
18 U.S.C. § 1836)

154. Red Chamber incorporates by reference and restates this Answer's responses to Paragraphs 1-153 as if fully set forth herein.

155. The allegations set forth in Paragraph 155 are not directed at Red Chamber and thus no response is required.

156. The allegations set forth in Paragraph 156 are not directed at Red Chamber and thus no response is required.

157. The allegations set forth in Paragraph 157 are not directed at Red Chamber and thus no response is required.

158. The allegations set forth in Paragraph 158 are not directed at Red Chamber and thus no response is required.

159. The allegations set forth in Paragraph 159 are not directed at Red Chamber and thus no response is required.

160. The allegations set forth in Paragraph 160 are not directed at Red Chamber and thus no response is required.

161. The allegations set forth in Paragraph 161 are not directed at Red Chamber and thus no response is required.

162. The allegations set forth in Paragraph 162 are not directed at Red Chamber and thus no response is required.

163. The allegations set forth in Paragraph 163 are not directed at Red Chamber and thus no response is required.

164. The allegations set forth in Paragraph 164 are not directed at Red Chamber and thus no response is required.

165. The allegations set forth in Paragraph 165 are not directed at Red Chamber and thus no response is required.

166. The allegations set forth in Paragraph 166 are not directed at Red Chamber and thus no response is required.

167. The allegations set forth in Paragraph 167 are not directed at Red Chamber and thus no response is required.

168. The allegations set forth in Paragraph 168 are not directed at Red Chamber and thus no response is required.

169. The allegations set forth in Paragraph 169 are not directed at Red Chamber and thus no response is required.

170. The allegations set forth in Paragraph 170 are not directed at Red Chamber and thus no response is required.

171. The allegations set forth in Paragraph 171 are not directed at Red Chamber and thus no response is required.

SECOND CAUSE OF ACTION
(Misappropriation of Trade Secrets under Common Law and M.G.L. c. 93, § 42)

172. Red Chamber incorporates by reference and restates this Answer's responses to Paragraphs 1-171 as if fully set forth herein.

173. The allegations set forth in Paragraph 173 are not directed at Red Chamber and thus no response is required.

174. The allegations set forth in Paragraph 174 are not directed at Red Chamber and thus no response is required.

175. The allegations set forth in Paragraph 175 are not directed at Red Chamber and thus no response is required.

176. The allegations set forth in Paragraph 176 are not directed at Red Chamber and thus no response is required.

177. The allegations set forth in Paragraph 177 are not directed at Red Chamber and thus no response is required.

178. The allegations set forth in Paragraph 178 are not directed at Red Chamber and thus no response is required.

THIRD CAUSE OF ACTION
(Aiding and Abetting Misappropriation of Trade Secrets)

179. Red Chamber incorporates by reference and restates this Answer's responses to Paragraphs 1-178 as if fully set forth herein.

180. The allegations set forth in Paragraph 180 are not directed at Red Chamber and thus no response is required.

181. The allegations set forth in Paragraph 181 are not directed at Red Chamber and thus no response is required.

182. The allegations set forth in Paragraph 182 are not directed at Red Chamber and thus no response is required.

183. The allegations set forth in Paragraph 183 are not directed at Red Chamber and thus no response is required.

FOURTH CAUSE OF ACTION
(Unfair Competition in Violation of M.G.L. c. 93A)

184. Red Chamber incorporates by reference and restates this Answer's responses to Paragraphs 1-183 as if fully set forth herein.

185. The allegations set forth in Paragraph 185 are not directed at Red Chamber and thus no response is required.

186. The allegations set forth in Paragraph 186 are not directed at Red Chamber and thus no response is required.

187. The allegations set forth in Paragraph 187 are not directed at Red Chamber and thus no response is required.

188. The allegations set forth in Paragraph 188 are not directed at Red Chamber and thus no response is required.

189. The allegations set forth in Paragraph 189 are not directed at Red Chamber and thus no response is required.

190. The allegations set forth in Paragraph 190 are not directed at Red Chamber and thus no response is required.

191. The allegations set forth in Paragraph 191 are not directed at Red Chamber and thus no response is required.

192. The allegations set forth in Paragraph 192 are not directed at Red Chamber and thus no response is required.

193. The allegations set forth in Paragraph 193 are not directed at Red Chamber and thus no response is required.

194. The allegations set forth in Paragraph 194 are not directed at Red Chamber and thus no response is required.

195. The allegations set forth in Paragraph 195 are not directed at Red Chamber and thus no response is required.

196. The allegations set forth in Paragraph 196 are not directed at Red Chamber and thus no response is required.

197. The allegations set forth in Paragraph 197 are not directed at Red Chamber and thus no response is required.

198. The allegations set forth in Paragraph 198 are not directed at Red Chamber and thus no response is required.

FIFTH CAUSE OF ACTION
(Unjust Enrichment)

199. Red Chamber incorporates by reference and restates this Answer's responses to Paragraphs 1-198 as if fully set forth herein.

200. The allegations set forth in Paragraph 200 are not directed at Red Chamber and thus no response is required.

201. The allegations set forth in Paragraph 201 are not directed at Red Chamber and thus no response is required.

202. The allegations set forth in Paragraph 202 are not directed at Red Chamber and thus no response is required.

SIXTH CAUSE OF ACTION
(Breach of Contract)

203. Red Chamber incorporates by reference and restates this Answer's responses to Paragraphs 1-202 as if fully set forth herein.

204. The allegations set forth in Paragraph 204 are not directed at Red Chamber and thus no response is required.

205. The allegations set forth in Paragraph 205 are not directed at Red Chamber and thus no response is required.

206. The allegations set forth in Paragraph 206 are not directed at Red Chamber and thus no response is required.

207. The allegations set forth in Paragraph 207 are not directed at Red Chamber and thus no response is required.

208. The allegations set forth in Paragraph 208 are not directed at Red Chamber and thus no response is required.

SEVENTH CAUSE OF ACTION
(Breach of the Implied Covenant of Good Faith and Fair Dealing)

209. Red Chamber incorporates by reference and restates this Answer's responses to Paragraphs 1-208 as if fully set forth herein.

210. The allegations set forth in Paragraph 210 are not directed at Red Chamber and thus no response is required.

211. The allegations set forth in Paragraph 211 are not directed at Red Chamber and thus no response is required.

212. The allegations set forth in Paragraph 212 are not directed at Red Chamber and thus no response is required.

213. The allegations set forth in Paragraph 213 are not directed at Red Chamber and thus no response is required.

214. The allegations set forth in Paragraph 214 are not directed at Red Chamber and thus no response is required.

215. The allegations set forth in Paragraph 215 are not directed at Red Chamber and thus no response is required.

216. The allegations set forth in Paragraph 216 are not directed at Red Chamber and thus no response is required.

217. The allegations set forth in Paragraph 217 are not directed at Red Chamber and thus no response is required.

EIGHTH CAUSE OF ACTION
(Breach of Duty of Loyalty)

218. Red Chamber incorporates by reference and restates this Answer's responses to Paragraphs 1-217 as if fully set forth herein.

219. The allegations set forth in Paragraph 219 are not directed at Red Chamber and thus no response is required.

220. The allegations set forth in Paragraph 220 are not directed at Red Chamber and thus no response is required.

221. The allegations set forth in Paragraph 221 are not directed at Red Chamber and thus no response is required.

222. The allegations set forth in Paragraph 222 are not directed at Red Chamber and thus no response is required.

223. The allegations set forth in Paragraph 223 are not directed at Red Chamber and thus no response is required.

NINTH CAUSE OF ACTION
(CONVERSION)

224. Red Chamber incorporates by reference and restates this Answer's responses to Paragraphs 1-223 as if fully set forth herein.

225. The allegations set forth in Paragraph 225 are not directed at Red Chamber and thus no response is required.

226. The allegations set forth in Paragraph 226 are not directed at Red Chamber and thus no response is required.

227. The allegations set forth in Paragraph 227 are not directed at Red Chamber and thus no response is required.

228. The allegations set forth in Paragraph 228 are not directed at Red Chamber and thus no response is required.

229. The allegations set forth in Paragraph 229 are not directed at Red Chamber and thus no response is required.

230. The allegations set forth in Paragraph 230 are not directed at Red Chamber and thus no response is required.

231. The allegations set forth in Paragraph 231 are not directed at Red Chamber and thus no response is required.

232. The allegations set forth in Paragraph 232 are not directed at Red Chamber and thus no response is required.

233. The allegations set forth in Paragraph 233 are not directed at Red Chamber and thus no response is required.

TENTH CAUSE OF ACTION
(Tortious Interference with Contractual Relations)

234. Red Chamber incorporates by reference and restates this Answer's responses to Paragraphs 1-233 as if fully set forth herein.

235. The allegations set forth in Paragraph 235 are not directed at Red Chamber and thus no response is required.

236. The allegations set forth in Paragraph 236 are not directed at Red Chamber and thus no response is required.

237. The allegations set forth in Paragraph 237 are not directed at Red Chamber and thus no response is required.

238. The allegations set forth in Paragraph 238 are not directed at Red Chamber and thus no response is required.

239. The allegations set forth in Paragraph 239 are not directed at Red Chamber and thus no response is required.

ELEVENTH CAUSE OF ACTION
(Tortious Interference with Prospective Economic Advantage)

240. Red Chamber incorporates by reference and restates this Answer's responses to Paragraphs 1-239 as if fully set forth herein.

241. The allegations set forth in Paragraph 241 are not directed at Red Chamber and thus no response is required.

242. The allegations set forth in Paragraph 242 are not directed at Red Chamber and thus no response is required.

243. The allegations set forth in Paragraph 243 are not directed at Red Chamber and thus no response is required.

244. The allegations set forth in Paragraph 244 are not directed at Red Chamber and thus no response is required.

245. The allegations set forth in Paragraph 245 are not directed at Red Chamber and thus no response is required.

246. The allegations set forth in Paragraph 246 are not directed at Red Chamber and thus no response is required.

247. The allegations set forth in Paragraph 247 are not directed at Red Chamber and thus no response is required.

TWELFTH CAUSE OF ACTION
(Civil Conspiracy)

248. Red Chamber incorporates by reference and restates this Answer's responses to Paragraphs 1-247 as if fully set forth herein.

249. The allegations set forth in Paragraph 249 are not directed at Red Chamber and thus no response is required.

250. The allegations set forth in Paragraph 250 are not directed at Red Chamber and thus no response is required.

251. The allegations set forth in Paragraph 251 are not directed at Red Chamber and thus no response is required.

252. The allegations set forth in Paragraph 252 are not directed at Red Chamber and thus no response is required.

253. The allegations set forth in Paragraph 253 are not directed at Red Chamber and thus no response is required.

THIRTEENTH CAUSE OF ACTION
(Violation of the Computer Fraud and Abuse Act)

254. Red Chamber incorporates by reference and restates this Answer's responses to Paragraphs 1-253 as if fully set forth herein.

255. The allegations set forth in Paragraph 255 are not directed at Red Chamber and thus no response is required.

256. The allegations set forth in Paragraph 256 are not directed at Red Chamber and thus no response is required.

257. The allegations set forth in Paragraph 257 are not directed at Red Chamber and thus no response is required.

258. The allegations set forth in Paragraph 258 are not directed at Red Chamber and thus no response is required.

259. The allegations set forth in Paragraph 259 are not directed at Red Chamber and thus no response is required.

260. The allegations set forth in Paragraph 260 are not directed at Red Chamber and thus no response is required.

261. The allegations set forth in Paragraph 261 are not directed at Red Chamber and thus no response is required.

262. The allegations set forth in Paragraph 262 are not directed at Red Chamber and thus no response is required.

263. The allegations set forth in Paragraph 263 are not directed at Red Chamber and thus no response is required.

FOURTEENTH CAUSE OF ACTION
(Breach of Contract)

264. Red Chamber incorporates by reference and restates this Answer's responses to Paragraphs 1-263 as if fully set forth herein.

265. Paragraph 265 consists of legal conclusions to which no response is required. To the extent a response is required, Red Chamber denies the allegations in Paragraph 265.

266. Paragraph 266 consists of legal conclusions to which no response is required. To the extent a response is required, Red Chamber denies the allegations in Paragraph 266.

267. Paragraph 267 consists of legal conclusions to which no response is required. To the extent a response is required, Red Chamber denies the allegations in Paragraph 267.

268. Red Chamber lacks knowledge or information sufficient to form a belief as to the truth of the allegations relating to Tampa Bay in Paragraph 268, and on that basis denies them. Red Chamber denies the remaining allegations in Paragraph 268.

269. Paragraph 269 consists of legal conclusions to which no response is required. To the extent a response is required, Red Chamber denies the allegations in Paragraph 269.

270. Paragraph 270 consists of legal conclusions to which no response is required. To the extent a response is required, Red Chamber denies the allegations in Paragraph 270.

RELIEF REQUESTED

271. Answering items (A) - (P) of the section of the Complaint entitled "Relief Requested," Red Chamber denies that National Fish is entitled to any of the relief requested, either as prayed or otherwise.

TAMPA BAY'S AFFIRMATIVE DEFENSES

First Affirmative Defense
(Failure to State a Claim)

The Complaint fails to state a claim against Defendants on which relief may be granted.

**Second Affirmative Defense
(Unclean Hands)**

Plaintiff's claims in the Complaint are barred by the doctrine of unclean hands.

**Third Affirmative Defense
(No Damages)**

Plaintiff's claims are barred because Plaintiff has not suffered any damage as a result of the allegations in the Complaint.

**Fourth Affirmative Defense
(Laches and Estoppel)**

Plaintiff's claims are barred by the doctrines of laches and estoppel.

**Fifth Affirmative Defense
(Improper Purpose)**

Plaintiff's claims are barred because Plaintiff's claims are frivolous, brought in bad faith and/or are brought for an improper purpose.

**Sixth Affirmative Defense
(Justification)**

Plaintiff's claims are barred, in whole or in part, because Defendants were justified in doing the acts alleged in the Complaint.

**Seventh Affirmative Defense
(Privilege)**

Plaintiff's claims are barred, in whole or in part, because Defendants were privileged in performing the acts described herein.

**Seventh Affirmative Defense
(Unenforceability)**

Plaintiff's claims are barred, in whole or in part, because the contracts at issue are not valid or enforceable agreements.

**Eighth Affirmative Defense
(Illegality and Unconscionability)**

Plaintiff's claims are barred, in whole or in part, because the contracts at issue are illegal and unconscionable.

**Ninth Affirmative Defense
(Failure to Establish Causation)**

Plaintiff's claims are barred, in whole or in part, because Plaintiff is unable to establish that Defendants caused any of the harm for which it is seeking redress.

**Tenth Affirmative Defense
(Acquiescence)**

Plaintiff's claims are barred, in whole or in part, because Plaintiff acquiesced to the conduct alleged in the Complaint.

**Eleventh Affirmative Defense
(Waiver)**

Plaintiff may not recover on its claim, in whole or in part, because Plaintiff has waived any rights or claims it may have against Defendants.

JURY DEMAND

Red Chamber demands a trial by jury on all issues raised in this action.

Dated: November 30, 2018

Respectfully submitted,

/s/ Adam S. Gershenson

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Counsel for Defendant Red Chamber Co.

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that on this 30th day of November, 2018 the foregoing document, filed through the ECF system, will be sent electronically to the registered participants on the Notice of Electronic Filing and paper copies will be sent to any non-registered participants.

/s/ Adam S. Gershenson

Adam S. Gershenson